

Exhibit 2



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VIA EMAIL and US MAIL

March 18, 2025

The Hon. Tulsi Gabbard
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Via: Dennis C. Barghaan, Esq.
Chief, Civil Division
United States Attorney's Office
for the Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314

Re: *Doe v. U.S. Office of the Director of National Intelligence*, 1:25-CV-300, EDVa

Dear Director Gabbard:

We represent Plaintiffs Jane Does 11 and 12 in the above-captioned action.

On March 10, 2025, Plaintiffs received notice of their pending termination by the Office of the Director of National Intelligence ("ODNI"). We understand that, in accordance with the February 27, 2025, verbal opinion and order of the Hon. Anthony J. Trenga, United States District Judge for the Eastern District of Virginia, Plaintiffs are to be accorded the right to appeal their terminations to you as the Director of National Intelligence.

As you may recall, Judge Trenga stated on February 27 that

[I]t would be perfectly understandable if some of these plaintiffs would ... want the director to review aspects of their termination, including whether they were properly included on the list of employees to be terminated or whether they should continue in their other ongoing duties unaffected by the shuttering of the DEI office.

I certainly have no reason to think that the director would not consider such requests in good faith such that no further consideration or action on the Court's part at this time is warranted.

Transcript at 28:1-11.

In that spirit of good faith, Plaintiffs set forth the following for your consideration.



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Jane Doe 11 served for fourteen years in the Intelligence Community ("IC"), first as a contractor and then as an ODNI officer. She converted to "blue badge" status in December 2024, and is a GS-13.

Jane Doe 11 received multiple written commendations from ODNI employees, multiple merit salary increases from her company, and a bonus from her company during her five years at ODNI. Written commendations from ODNI employees include comments regarding her exemplary support of the mission, superior organization and research skills, willingness to learn, and professionalism in support of rapidly changing environments. Her work is recognized as being highly valued, enabling leadership to efficiently and effectively execute requirements of national missions. Also during her time at ODNI, a director at the Defense Media Activity (DMA) wrote the National Insider Threat Task Force director thanking her for her professionalism and her hands-on collaborative approach that led to DMA's Insider Threat Program's attainment of Full Operating Capability Status against National Minimum Standards.

Prior to ODNI, Jane Doe 11 was recognized by an assistant director of the Federal Bureau of Investigation ("FBI") for exceptional performance in publishing an intelligence product that identified lessons learned and recommended improvements to prevent and reduce future risk to the FBI.

Jane Doe 11 worked as a contractor supporting insider threat and operations security missions in the National Counterintelligence and Security Center's Enterprise Threat Mitigation Directorate (ETD). Her ODNI offer of employment for inclusion into a hiring pool of Intelligence Research Specialists highlights that candidates in this pool are used to fill positions including intelligence and targeting analyst, integration manager and program analyst. There are multiple offices and roles that fit Jane Doe 11's analytic skill set, jobs she would have accepted with enthusiasm.

As of January 22, 2025, when she was placed on administrative leave, Jane Doe 11 held the position of Analytic Methodologist. Jane Doe 11 holds a Bachelor of Arts in International Political Science from [REDACTED] and a Master of Arts in Diplomacy from the [REDACTED].

[REDACTED] Jane Doe's entire professional career has been in the IC.

Jane Doe 12 served for thirteen years at the Central Intelligence Agency ("CIA") as an attorney and human resource officer. She converted from CIA to ODNI in July 2024, and is a member of the Senior National Intelligence Service. Jane Doe 12 served overseas and received over fifteen exceptional service awards and commendations during her years at CIA, including multiple Meritorious Unit Citations, Foreign Language Acquisition awards, and Agency and IC-level awards for distinguished service. Jane Doe 12's significant contributions to the IC's mission were recognized by the Directorate of Analysis, the Directorate of Operation's Special Activities Center, the



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Counterterrorism Mission Center, and Brigadier General Mark S. Martins when he served as the Chief Prosecutor for the Office of Military Commissions.

Immediately prior to January 22, when she was placed on administrative leave, Jane Doe 12 interviewed as a highly competitive candidate for the position of Assistant Director for the Office of Economic Security and Emerging Technologies, a job she would have accepted with enthusiasm.

As of January 22, Jane Doe 12 held the position of Chief, Intelligence Community Diversity, Equity, Inclusion, and Accessibility ("DEIA"). She holds a Bachelor of Arts in Government and Politics from [REDACTED], as well as a Juris Doctor from [REDACTED]

On February 27, Judge Trenga observed that "if fairness and good judgment were the guiding principles," Plaintiffs' complaint "would be an easy case." Transcript 15:4-5. The Court acknowledged that Plaintiffs may possess due process rights to post-termination consideration for reassignment, see Transcript at 22:23-23:1, and "a cognizable protective right to compete for open positions within the agency or elsewhere post that termination decision ...". Transcript at 25:16-18.

Jane Does 11 and 12 together spent twenty-seven years in the IC, in positions of increasing responsibility. Together they spent just eight months working exclusively on DEIA-related issues for ODNI immediately before you became DNI. Their previous intelligence service, for which they received numerous awards, included work on counterintelligence, counterterrorism, security and special activities issues, and interagency work regarding the CIA, FBI and military. Both women hold advanced degrees. Like any IC officer, they were recruited, vetted and trained at great expense to American taxpayers. They are able to leverage their experiences to give many more years of valuable service to the IC and the Nation.

We believe that ODNI ought to recognize Plaintiffs' due process rights to post-termination consideration for reassignment, and that fairness and good judgment suggest that Plaintiffs' outstanding performance in the IC and qualifications and potential for further service within it mark them as deserving of consideration for reassignment within ODNI. Thank you.

Very respectfully,

A handwritten signature in black ink, appearing to read "Kevin Carroll".

Kevin Carroll
Partner